



INSIGHTS

107th Congress

October 8, 2001

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INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of ***INSIGHTS*** is to provide FEMP management staff with timely information on legislative activities relevant to the program. ***INSIGHTS*** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

I. WEEKLY SUMMARY

HOUSE

- The Subcommittee on Energy and Air Quality will conduct a hearing on energy transmission issues.

SENATE

- The Committee on Energy and Natural Resources will hold a hearing and mark up on energy infrastructure legislation.

WHITE HOUSE

- *No scheduled activities of interest have been announced.*

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II. COMMITTEE ACTIVITY

HOUSE

Comments or Action Items

Management of Federal Real Property On October 1, the Subcommittee on Technology and Procurement Policy (Committee on Government Reform) held an **oversight hearing on “The Potential Benefits of Public-Private Partnerships as a Real Property Management Tool.”** Tom Davis (R/VA) chairs the subcommittee. In announcing the hearing, Chairman Davis released the following remarks:

The federal government needs to manage its property portfolio with greater efficiency and focus on cost-savings. Partnership authority would broaden the existing management options available to GSA. Of course, not every property in the federal portfolio would be a strong candidate for public-private partnership. Due to the unique nature of properties, locations, and demand, the General Accounting Office’s recent study of potential partnership sites found that the benefits could vary. In some cases, partnerships may not be feasible. Prior to engaging in a public-private partnership the government would need to analyze the possible benefits and drawbacks of its involvement.

The oversight hearing was scheduled in response to the GAO study mentioned above (summarized in the August issue of the *FEMP Monthly Update*). Testimony was provided by Representative Pete Sessions (R/TX); Bernard Ungar, GAO; Stephen Perry, Administrator of the General Services Administration and Joe Moravec, Commissioner of GSA’s Public Building Service; Ray Dubois of the Department of Defense; and Anatoliji Kushnir of the Veterans’ Administration. Each official discussed their respective agency’s public-private partnership programs. Testimony was also received from officials from Ernst & Young and the Building Owners and Managers Association.

In conducting this and possibly future hearings, Chairman Davis plans to explore in more detail, the option of using public-private partnerships as a management tool for GSA, the types of properties that best lend themselves to these types of partnerships, and criteria that a Federal property must meet in order to qualify for such partnerships. Chairman Davis also wants to examine factors considered by the private sector when entering public-private partnerships. No future hearings on this issue have been scheduled at this time. (*Panelists' testimony was not available as of October 8*).

FY 2002 Appropriations for the Departments of Labor, Health and Human Services, Education, and for Related Agencies The subcommittee with jurisdiction over the program completed its mark up on October 3; a full committee mark up is pending. Details' regarding the building and facility accounts for the Departments of Labor and Health and Human Services will not be revealed until the full committee mark up is completed.

Strengthening the Environmental Protection Agency On October 3, the Committee on Science approved *H.R. 64 – (No Short Title)*. The purpose of the bill is to create a new position within the agency to improve the coordination of scientific activities among program offices and to ensure that sound science is the basis for regulatory decisions. The new position of Deputy Administrator for Science and Technology would be for a five-year period, cutting across administrations to provide “for more continuity across administrations, enabling the individual to better focus on the science conducted” at EPA. The bill also creates the position of Chief Scientist. The new positions are a result of a June 2000 National Research Council Report, which included these and other recommendations to enhance the role of science in the EPA decision-making process.

SENATE

Comments or Action Items

FY 2002 Spending Agreement Last week, Congress received a letter from the President requesting that the FY 2002 funding level be raised to \$686 billion from the original \$661.3 bill. The increase in funding will be used primarily to support domestic anti-terrorist and related measures. Senator Robert Byrd (D/WV), Chairman of the Committee on Appropriations released the following statement:

The bipartisan, bicameral agreement will clear the way toward completion of the 13 Fiscal Year 2002 appropriations bills. It took many long discussions and frank exchanges, but, with this agreement in place, the Appropriations Committee and Congress can move forward quickly to finish all of the appropriations bills in a responsible manner.

Conference committees will meet soon, as I have repeatedly urged, and complete their actions. We need to move these appropriations bills through Congress and to the White House without further delay.

Energy Legislation Both the Chairman and the Ranking Minority Member of the Committee on Energy and Natural Resources recently issued statements regarding the Senate's efforts to pass energy legislation. Chairman Jeff Bingaman (D/NM) and Ranking Member Frank Murkowski (R/AK) issued the following remarks.

Chairman Jeff Bingaman - September 25, 2001, in response to the actions of Senator

James Inhofe (R/OK) to attach the House energy bill (H.R. 4) as an amendment to the FY 2002 Defense Authorization bill:

I continue to support reporting a balanced and comprehensive energy bill from the Committee on Energy and Natural Resources. In this regard, I have been meeting with Committee members on both sides of the aisle and with the Administration to develop a consensus that can move us forward. I hope to continue to work with the Administration and with other members of the committee on a bipartisan basis. I will not agree, though, to attempts to force through a one-sided energy bill or to short-circuit Senate consideration of these important issues.

Ranking Minority Member Frank Murkowski – October 3, 2001, in response to the Senate Calendar, which will include continuation of the mark up of pending energy legislation:

As my colleagues and I said in a letter to Chairman Bingaman last week, we must focus our efforts on issues that are achievable now.

The reality of the day is that we're at war. We need complete solutions and a date certain for a vote, without delay or distraction. Congress has an obligation to give the President the tools he needs to win the coming battles and protect our shores. Ensuring our energy security is a critical part of these preparations. I hope we end up reporting a bill immediately.

Infrastructure Security – Last week, the Committee on Governmental Affairs held a hearing on national security infrastructure issues in response to the September 11 terrorist attacks on the United States. Max Cleland (D/GA) presided in the absence of the committee chair, Joseph Lieberman (D/CT), over the October 4 hearing on “Critical Infrastructure Protection: Who’s In Charge?” Senator Cleland said, “critical infrastructure covers just about everything of value in our country” and noted the significant role computers play in our nation’s security. The committee received testimony from a variety of experts including officials from the Federal Bureau of Investigation, the General Services Administration, and the Center for Strategic and International Studies. Ranking Member Fred Thompson (R/TN) said he wants the committee to “explore plans being instituted to protect our critical infrastructure. The General Accounting Office has told this Committee that “it is essential to link the government’s strategy for combating computer-based attacks to the national strategy for combating terrorism.” National security issues to be explored by the committee include protection of domestic utilities. The committee is also concerned about coordination between Federal agencies and with the private sector.

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STATUS OF FY 2002 APPROPRIATIONS BILLS

(In Billions)

HOUSE

SENATE

Jurisdiction/ FY 2002 Budget Request	302(b) Allocations/ Approved Funding Level	Bill No.	Full Cmte.	Floor	Conf.	302(b) Allocations/Approved Funding Level	Bill No.	Full Cmte.	Floor	Conf.
Agriculture \$ 15.409	\$ 15.519 \$ 15.669	H.R. 2330	June 13	July 13		\$ 16.092 \$ 16.4	S. 1191	July 17	Still Pending	
Commerce \$ 37.944	\$ 38.541 \$ 38.5	H.R. 2500	July 13	July 19		\$ 38.760 \$ 41.5	S. 1215	July 19	Sept. 13	
Defense \$ 300.962	\$ 300.292					\$ 298.568				
Energy and Water Development \$ 22.517	\$ 23.704 \$ 23.7	H.R. 2311	June 25	June 28		\$ 25.129 \$ 25.4	S. 1171	July 12	July 19	
Interior \$ 18,092	\$ 18.941 \$ 18.0	H.R. 2217	June 13	June 21		\$ 18.527 \$ 18.6	*H.R. 2217	June 28	July 12	
Labor / HHS \$ 115.682	\$ 119.758					\$ 119.000				
Military Construction \$ 9.650	\$ 10.155 \$ 10.5	H.R. 2904	Sept. 12	Sept. 25	Sept. 21	\$ 9.649 \$ 10.5	S. 1460	Sept. 25	Sept. 26	
Transportation \$ 14.891	\$ 14.893 \$ 14.9	H.R. 2299	June 20	June 26		\$ 15,579	S. 1178	July 12	August 1	
Treasury \$ 16.488	\$ 16.880 \$ 17.0	H.R. 2590	July 17	July 25		\$ 16.972	S. 1398	July 26	Sept. 4	
VA/HUD \$ 83.683	\$ 84.159	H.R. 2620	July 17	July 31		\$ 84.053 \$ 84.05	S. 1216	July 19	August 2	
Total 302(b) Allocations/ FY 2002 Budget Request \$ 658.792	\$ 661.300					\$ 661.300				

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CONFERENCE COMMITTEES

H.J. Res 65 – FY 2002 Continuing Appropriations – Although the House and Senate have completed work on their respective versions of eight of the 13 annual appropriations bills, no pending bill has gone to conference. Congressional action on FY 2002 appropriations and various authorization bills has been delayed as a result of the September 11 terrorist attacks on the United States. To date, House and Senate conferees have been named to six of the eight pending appropriations bills; however, no negotiation schedule between House and Senate conferees has been announced for any of the bills. Conferees for *H.R. 2217 – FY 2002 Appropriations for Interior and Related Agencies* bill may begin negotiations this week.

While there has been some speculation that an omnibus appropriations bill may be crafted, combining two or more bills into one, Senator Robert Byrd (D/WV), Chairman of the Committee on Appropriations said:

There's no need to talk about bundling of bills. We've got time to do separate bills. I'm not a bundler. I've been interested all along in avoiding omnibus bills. There's no reason that we have to start talking about bundling. Forget it.

Senator Ted Stevens (R/AK), Ranking Minority Member of the committee said, “We hope to have a very expeditious handling of the bills. We hope.”

The FY 2002 funding level has been raised from \$661.3 billion to \$686 billion to address emergency issues in light of urgent national security needs. As a result, 302(b) allocations for various bills have increased to accommodate national security measures; however, the increases have not been announced. The current continuing resolution is scheduled to expire on October 16 and members fully expect at least one more CR to complete work on FY 2002 appropriations.

HOUSE

H.R. 2904 – Military Construction – The House has named the conferees for this bill, which is pending negotiation with the Senate. The Senate passed its version of the bill, *S. 1460* on September 26; Senate conferees were listed in the September issue of the *FEMP Monthly Update*. House conferees include:

(Republicans) David Hobson (OH), James Walsh (NY), Dan Miller (FL), Robert Aderholt (AL), Kay Granger (TX), Virgile Goode (VA), Joe Skeen (NM), David Vitter (LA), Bill Young (FL); **(Democrats)** John Olver (MA), Chet Edwards (TX), Sam Farr (CA), Allen Boyd (FL), Norman Dicks (WA), David Obey (WI).

H.R. 2590 – Treasury, U.S. Postal Service, and General Government (includes the General Services Administration) – **(Republicans)** Ernest Istook (OK), Frank Wolf (VA), Anne Meagher Northup (KY), John Sununu (NH), John Peterson (PA), Todd Tiahrt (KS), John Sweeney (NY), Don Sherwood (PA), Bill Young (FL); **(Democrats)** Steny Hoyer (MD), Carrie Meek (FL), David Price (NC), Steven Rothman (NJ), Peter Visclosky (IN), David Obey (WI).

SENATE

➤ *No new announcements.*

III. NEW LEGISLATION

HOUSE

Number	Short title	Date	Sponsor	Status
<i>H. Res, 250</i>	No Short Title	Oct. 2	<i>Joe Barton (R/TX) Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, Chair, Chair</i>	Referred to Committee on Energy and Commerce
	Key Provisions:	The House of Representatives urges the Secretary of Energy to increase the capacity of the Strategic Petroleum Reserve to 1,000,000,000 barrels of crude oil; requests that the Strategic Petroleum Reserve be filled to its capacity as soon as practicable, and to consider purchasing from marginal wells that would otherwise cease production.		
<i>H.R. 3037</i>	Renewable Energy and Energy Efficiency Investment Act of 2001	Oct. 4	<i>Frank Pallone (D/NJ) Committee on Energy and Commerce Committee on Resources</i>	Referred to Committee on Energy and Commerce
	Key Provisions:	Establishes a National Electric Systems Public Benefits Board. The Board will establish a National Electric System Benefits Fund to provide matching funds to states in support of public programs relating to the following: 1) renewable energy sources, 2) universal electric service, 3) affordable electric service, 4) energy conservation and efficiency, 5) research and development of renewable energy sources and energy efficiency, and 6) disconnections during periods of extreme heat and cold. Establishes an incremental renewable portfolio standard so that, by 2020, 20 percent of the electricity sold by retail electric suppliers will be generated from renewable energy sources. Establishes that by April 1 of each calendar year each electric supplier submit to the Secretary of Energy renewable energy credits equal to the required annual percentage of the supplier's total kilowatt-hour sales to end-use customers from the previous year. Requires that the Secretary of Energy establish a program to issue and monitor the sale or exchange of renewable energy credits. Requires retail electric suppliers to make net metering service available upon request to any retail electric consumer. Requires that on-site generating facilities and net metering comply with uniform interconnection standards. Establishes that the Secretary of Energy establish a system of disclosure that provides retail consumers with information about generation sources, emissions data and price terms.		

SENATE

➤ *No new bills of interest have been introduced.*

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IV. ADMINISTRATION INITIATIVES

No new initiatives of interest have been announced.

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V. HEARINGS SCHEDULE

HOUSE – APPROPRIATIONS

➤ *No new hearings, mark ups or votes have been scheduled.*

HOUSE – AUTHORIZATIONS/OVERSIGHT

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/Location
October 10 – Subcommittee on Energy and Air Quality (Committee on Energy and Commerce) (NEW)	Joe Barton (R/TX)	Hearing – Electricity Transmission Policy	TBA	10:00 a.m. Room 2123 Rayburn Office Building
October 10 – House Floor Action (NEW)	Sponsor – Joe Barton (R/TX)	Floor Vote – H. Res. 250 – (No Short Title) The bill directs DOE to increase the capacity of the Strategic Petroleum Reserve to 1 billion barrels of oil and fill SPR to capacity (non-binding if approved by the House) – see summary under “New Legislation”	N/A	Time: TBA Capitol

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SENATE – APPROPRIATIONS

➤ *No new hearings, mark ups, or votes have been scheduled.*

SENATE – AUTHORIZATIONS/OVERSIGHT

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/Location
<i>October 9 –</i> Committee on Energy and Natural Resources (NEW)	Jeff Bingaman (D/NM)	<i>Hearing –</i> Infrastructure security needs (to include energy infrastructure issues)	Officials from DOE, DOI, and industry	9:30 a.m. Room 366 Dirksen Office Building
<i>October 10 –</i> Committee on Energy and Natural Resources (NEW)	Jeff Bingaman (D/NM)	<i>Mark Up – Free-</i> standing infrastructure security needs legislation to include energy infrastructure issues	N/A	9:30 a.m. Room 366 Dirksen Office Building
<i>Week of October 15 –</i> Committee on Energy and Natural Resources (NEW)	Jeff Bingaman (D/NM)	<i>Mark Up – Resume</i> marking up Comprehensive energy legislation beginning with electricity-related issues followed by mark ups on energy efficiency, oil and gas production, and general energy policy provisions	N/A	TBA

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